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NASA Procedural Requirements

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COMPLIANCE IS MANDATORY

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Subject: Appointment of Personnel To/From NASA

Responsible Office: Office of Human Capital Management

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Chapter 5. Appointment of Foreign Nationals

5.1. References

5.1.1. 5 U.S.C. 3109.

5.1.2. 42 U.S.C. 2473(c)(9).

5.1.3. 5 CFR 213.3148(a).

5.1.4. 5 CFR 213.3102(bb).

Executive Order 11935, Citizenship Requirements for Federal Employment.

5.2. Responsibility

5.2.1. Requests to appoint foreign nationals will be forwarded to the Administrator through the Assistant Administrator for the Office of Human Capital Management, NASA Headquarters.

5.2.2. The Administrator's approval is required before initiating paperwork to the U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (formerly the Immigration and Naturalization Service).

5.3. Introduction

NASA may appoint foreign nationals having special qualifications in the fields of aeronautical and space research as determined by the Administrator to be necessary and in the public interest.

5.4. Qualification Requirements

For permanent or nonpermanent employment, foreign nationals must, as a minimum, meet all other qualification standards for the position being filled. For employment as an expert or consultant, foreign nationals must possess qualifications that exceed those prescribed for comparable work in the competitive service or be otherwise eminently qualified for the specific position.

5.5. Appointment Procedures

5.5.1. For permanent employment. Any request for approval to appoint a foreign national must contain a brief description of the duties of the position and full justification for the proposed employment, including the following:

5.5.1.1. The functional and organizational titles of the position, as well as grade level or rate of compensation.

5.5.1.2. Organizational and geographical locations of the position.

5.5.1.3. A description of the prospective appointee's special skills and qualifications.

5.5.1.4. The resident status and type of visa of the foreign national (and spouse and children, if applicable) as established by the appropriate USCIS Office.

5.5.1.5. A completed resume (signed by the applicant).

5.5.1.6. A position description.

5.5.2. For nonpermanent employment. Any request for approval to appoint a foreign national must contain a brief description of the duties of the position and full justification for the proposed employment, including the following:

5.5.2.1. The functional and organizational titles of the position, as well as grade level or rate of compensation.

5.5.2.2. Organizational and geographical locations of the position.

5.5.2.3. A description of the prospective appointee's qualifications (special qualifications, if appointment is to an expert or consultant position).

5.5.2.4. The resident status and type of visa of the foreign national (and spouse and children, if applicable) as established by the appropriate USCIS Office.

5.5.2.5. A completed resume (signed by the applicant).

5.5.2.6. If appropriate, a Request for Service of Advisers, Consultants, and Experts, which will include a description of duties and the Certifying Official's statement.

5.5.3. Documentation to meet special security requirements. All requests for approval to appoint foreign nationals must also include the following:

5.5.3.1. A statement signed and dated by the applicant indicating whether the foreign national has formally declared intent to become a U.S. citizen and, if not, his/her intent to become a citizen if employed by NASA (this is not required of foreign nationals considered for nonpermanent employment except in positions requiring access to classified information); and whether the foreign national or spouse has any relatives residing in Designated Countries, as determined by the U.S. export control regulations, and, if so, the name, relationship, age, address, occupation, and description of the nature and extent of contact with each such relative. A Designated Country is any country that meets any one or more of the following criteria: country with which the U.S. has no diplomatic relations; country determined by the Department of State to support terrorism; country under sanction or embargo by the U.S.; country of missile technology concern. For the most up-to-date information pertaining to the Designated Country list, contact the Center Export Control Administrator for further guidance.

5.5.3.2. A Memorandum for Record from the Center's Security Officer reflecting the level of access to classified information, as established by the appropriate supervisory official, which will be required by foreign nationals in performance of duties or a statement that the foreign national will be assigned to duties which do not involve access to classified information, and that such access can be effectively precluded. The memorandum must also indicate that the required security documentation has been reviewed, is adequate and complete, and that there are no apparent factors which would preclude granting access.

5.5.3.3. Visa Reclassification. Foreign nationals offered employment must be legally admitted to the U.S. for permanent residence or otherwise authorized by the USCIS to be employed. Foreign nationals who do not need a valid Alien Registration Receipt Card (green card), Form I-551, may be sponsored for visa reclassification by NASA. The requesting Center will forward (after the Administrator's approval) USCIS Form I-140, "Immigrant Petition for Alien Worker," and required documentation to the USCIS Service Center with jurisdiction over the location where the foreign national will be employed.

5.5.3.4. Waiver of Residence Abroad Requirements (2-year foreign residence requirements).

a. If it is necessary to obtain this waiver, documentation must be forwarded to, General Counsel, NASA Headquarters, and must include the following information:

1. The U.S. Information Agency (USIA) Data Sheet.
2. Signed resume.
3. Listing of publications.
4. Legible photocopies of all INS IAP-66 forms (J-1 visa documentation).
5. A copy of the request for approval to appoint a foreign national.

b. After the Administrator's approval, Form I-140 and the above documents will be forwarded to USIA for waiver approval.

5.5.3.5. Submission of Request. After approval and signature of the Center Director, the request for approval to appoint a foreign national and all supporting documentation shall be sent through the relevant Headquarters Center Executive, the Assistant Administrator for the Office of Human Capital Management, the Assistant Administrator for the Office of External Relations, and the General Counsel, NASA Headquarters, for approval by the Administrator.

5.5.3.6. Transportation. When the transportation of the appointee and dependents and shipment of household goods to the first duty station are authorized under 5 U.S.C. 5723, the appointee must execute NASA Form 420, Service Agreement - First Duty Station Appointment.

5.5.3.7. Change in Citizenship. The Center will provide a written notice to the foreign national, on or before the date of appointment, indicating the foreign national's responsibility to notify the Office of Human Capital Management immediately of any changes in visa or citizenship status. The written notice should inform the foreign national of the Office of Human Capital Management's requirement for receipt of naturalization data within 10 days after the foreign national becomes a U.S. citizen. Upon notification of a change in citizenship status, the Center will:

- a. Initiate action to convert the employee from an excepted to a competitive appointment.
- b. Submit to the Assistant Administrator for Human Capital Management (within
- c. 10 days) the foreign national's naturalization certificate number, the effective date, and the name and location of the court. This information will also be provided to the Center's Security Officer.

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